

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 03/07/2024

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

-against- :

ROBERT CALVENTE, :

Defendant. :

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12-CR-732 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS on April 11, 2018, Mr. Calvente was sentenced principally to a term of imprisonment of eighteen years, *see* J., Dkt. 897;

WHEREAS on November 9, 2023, Defendant filed a motion requesting information regarding whether he was eligible for a sentence reduction pursuant to Amendment 821 to the U.S. Sentencing Guidelines (“Amendment 821”), *see* Mot., Dkt. 1097, which went into effect on November 1, 2023, and which applies retroactively; *see* U.S.S.G. §§ 1B1.10, 4A1.1(e), 4C1.1;

WHEREAS on March 6, 2024, the United States Probation Department reported that Defendant is not eligible for a sentence reduction, *see* Probation Report, Dkt. 287; and

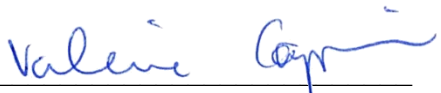
WHEREAS the Court has considered the record in this case.

IT IS HEREBY ORDERED that Defendant is ineligible for a sentence reduction pursuant to Amendment 821 because he did not receive an enhancement for committing the instant offenses while under a criminal justice sentence — precluding him from the status points reduction — nor did he have zero criminal history points — precluding him from the zero-point offender reduction, *see* Probation Rep., Dkt. 287.

IT IS FURTHER ORDERED that the Clerk of Court is respectfully directed to close the open motion at Dkt. 289 and to mail a copy of this Order to Robert Calvente, Reg. No. 67221-054, FCI Marianna, 3625 FCI Road Marianna, FL 32446, and to note the mailing on the docket.

SO ORDERED.

Dated: March 7, 2024
New York, NY



VALERIE CAPRONI
United States District Judge